



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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EDMUND G. BROWN JR.  
GOVERNOR

# Children's Residential Care Update

## SUMMER 2011



Welcome to our Summer 2011 *Children's Residential Care Update*. We are in the twentieth year of our efforts to keep the children's residential care community informed of licensing programs and services. Your support in sharing this *Update* with colleagues in your organization and others interested in children's issues is appreciated.

Our *Updates* are available online at the California Department of Social Services (CDSS) Community Care Licensing Division (CCLD) website. They can be viewed or obtained at <http://cclld.ca.gov/PG457.htm>.

### **NEW DIRECTOR FOR THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES**

Secretary Dooley has appointed Will Lightbourne, the former Director of Santa Clara County's Social Services Agency, as the new Director of the CDSS. He began his career in the human services arena in 1975 working for a nonprofit in the Bay Area developing affordable housing for families and seniors and programs for the aged in San Francisco County, and held a number of positions in the years that followed. For the past two decades, Mr. Lightbourne has served as the Social Services director in Santa Cruz, San Francisco, and Santa Clara counties.

During the past four years, John Wagner has served diligently as CDSS' Director. Mr. Wagner will continue to serve under the Brown Administration as Acting Director for the California Department of Community Services and Development (CSD).

We congratulate and wish John Wagner the best of luck as he serves in his new position, and we welcome Will Lightbourne as the new Director of CDSS.

## **ORGANIZATIONAL CHANGES WITHIN CCLD**

After 35 years with CCLD, Gary Palmer has retired as Chief of the Technical Assistance and Policy Branch. Gary has participated in almost every aspect of CCLD. He will surely be missed! Effective April 1, 2011 Gloria Merk, Program Administrator for the Child Care Program, assumed the duties of Acting Chief for the Technical Assistance and Policy Branch. Welcome, Gloria!

Additionally, former CCLD Senior Care Policy Manager, Tricia Nishio, has taken a new assignment in the Caregiver Background Check Bureau. Seton Bunker, the current CCLD Adult Care Policy Manager, has taken over the Senior Care Policy Unit.



### **U.S. CONSUMER PRODUCT SAFETY COMMISSION BAN ON DROP-SIDE CRIBS TAKES EFFECT**

As a follow up to the article in our combined Winter 2010-11/Spring 2011 *Children's Residential Care Update*, we advised you that new federal U.S. Consumer Product Safety Commission (CPSC) mandatory standards that require fixed-side cribs, are now going into effect on a phased in basis. The first phase bans the manufacture and sale of drop-side cribs effective June 28, 2011. The second phase bans the use of drop-side cribs effective December 28, 2012.

The CPSC found that drop-side rails that caregivers can lower for easier access to babies can come loose from cribs and create dangerous "V"-like gaps between mattresses and side rails where babies can be caught. These malfunctions have contributed to the suffocation and strangulation deaths of at least 32 babies since 2000. Additional deaths have resulted from defective or faulty hardware. More than 11 million cribs have been recalled by the CPSC since 2007. Five new federal standards, which apply to full-size and non full-size cribs, require that:

- Traditional drop-side cribs not be manufactured, sold, or used; immobilizers that secure drop sides and repair kits not be allowed,
- Wood slats between the headboard and baseboard and below the crib railing be made of stronger woods to prevent breakage,
- Crib hardware have anti-loosening devices to keep it from coming loose or falling off;
- Mattress supports be more durable, and
- Safety testing be more rigorous.

You should check the CPSC website to see if your crib has been recalled by the manufacturer and whether the manufacturer has immobilizers for use with your crib that have been approved by the CPSC. You must replace the drop-side crib with a fixed-side crib that meets the new federal standards by December 28, 2012.

For more information about the new crib standards, please visit the [CPSC website](#).



### **CALIFORNIA LAW REQUIRING CARBON MONOXIDE DEVICES**

On May 7, 2010, Senate Bill (SB) 183 was enacted into law and is known as the Carbon Monoxide Poisoning Prevention Act (Act). This Act applies to existing housing, it covers every "dwelling unit intended for human occupancy" which means single-family dwelling, factory-built homes, duplex, lodging house, condominiums, motels, hotels, dormitories, stock cooperatives, time-share projects and dwelling units in "multiple-unit dwelling unit buildings" (apartment houses). This Act requires dwelling units to have installed a "carbon monoxide device" that is designed to detect carbon monoxide and produce a "distinct, audible alarm"; and requires the State Fire Marshal to certify and approve carbon monoxide devices and their instructions.

The devices must be installed, consistent with new construction standards or according to the approved instructions, in all existing single-family dwellings units no later than July 1, 2011. All other dwelling units (such as apartments) must have proper carbon monoxide detectors installed no later than January 1, 2013. To assist licensees and providers with resource information on these requirements, we are providing you with a link to the website of the State Fire Marshal, <http://osfm.fire.ca.gov>

### **REGULATIONS DOCKET**

**Children's Residential Exceptions to Age 18 Regulations:** CCLD has submitted these regulations to the Office of Regulations Development (ORD). Announcement of the public hearing for these regulations is forthcoming.

These proposed regulations would clarify the exceptions in current law that permits a child to remain in foster care past age 18. Provided that a child would remain in foster care as permitted by current law, these regulations would mitigate the need to request exceptions or waivers.

The proposed regulations will be posted on the ORD website shortly. They will appear under "Regulation Changes in Process/Completed Regulations," in "Public Hearing Information" at <http://www.dss.cahwnet.gov/ord/PG2302.htm>.

**Crisis Nurseries (CN) Regulations:** CDSS has scheduled a public hearing on the proposed CN regulations for July 13, 2011.

These proposed regulations will update CN regulations by promulgating the provisions of SB 1214 (Chapter 519, Statutes of 2010). Specifically, this regulation package would revise the definition of "voluntary placement" to exclude the voluntary placement of children in CN by a child welfare services agency. Additionally, this regulation package would extend the effective date for CN regulations from July 1, 2011 to January 1, 2014.

The proposed CN regulations are posted on the ORD website. They appear under "Regulation Changes in Process/Completed Regulations", in "Public Hearing Information" at <http://www.dss.cahwnet.gov/ord/PG2638.htm>.



### **HIGHLIGHT ON FIRE SAFETY REGULATIONS**

Despite the unseasonably cool weather that has occurred in California this Spring, there is the chance for more normal and sometimes hot, Summer temperatures that increase the risk of fires. Given the potential risk of fire, it is particularly timely to highlight California Code of Regulations (CCR) Title 22 requirements for fire safety. Particular regulations that may be of interest to you are those that concern fire clearance and buildings and grounds.

#### **Fire Clearance**

- Children's residential facilities and homes are required to have a fire clearance when children with disabilities, including children who are non-ambulatory or bedridden, are in care [(CCR Title 22 Sections [80020\(b\)\(2\)](#), [83020\(a\)](#), [86520\(b\)](#), and for Certified Family Homes and Foster Family Homes, [89420\(a\)](#)].
- A Transitional Housing Placement Program must have a fire clearance whenever a person who is nonambulatory lives in a participant unit [(CCR Title 22 Section [86020\(b\)\(1\)](#)].
- Certified Family Homes and Foster Family Homes are also required to have a fire clearance when larger numbers of children are in care [(CCR Title 22 Section [89420\(b\)](#)].

## **Buildings and Grounds**

- Certified Family Homes and Foster Family Homes are required to have either a smoke detector or sprinkler system in the home [(CCR Title 22 Section [89387\(p\)](#)].
- Smoking is prohibited in the facility or home and on the grounds of the facility or home for Small Family Homes, Group Homes, and Transitional Housing Placement Programs [(CCR Title 22 Sections [83087\(d\)](#), [84087\(c\)](#), [86087\(f\)](#)].

Regulations for Children's Residential facilities are available at the ORD website at <http://www.dss.cahwnet.gov/ord/PG295.htm>.



## **HEAT AND SUN PROTECTION**

California summer temperatures often reach the 80s, 90s, and 100s, which may cause problems for children in care who are active or have health conditions that make them vulnerable to heat and sun exposure. We remind you to take precautions to protect children during the warmer summer months. These precautions include:

### **Heat**

- Making sure that the temperature in your facility or home is safe and comfortable.
- Reducing physical activity and staying indoors during the hottest part of the day.
- Asking children to drink water and other fluids and having these within easy reach.

### **Sun**

- Avoiding the sun between 10 a.m. and 4 p.m., when the sun's rays are the strongest. Try to schedule outdoor activities for other times of the day or limit the amount of outdoor time during these peak periods.
- Wearing protective clothing such as long-sleeved shirt, pants, a wide-brimmed hat, and sunglasses when possible.
- Choosing a sunscreen with a rating of SPF 15 or higher. Apply sunscreen liberally 30 minutes before going outdoors and reapply about every two hours. Use even on cloudy days since ultraviolet rays can penetrate cloud cover.

- Using caution near water and sand as they reflect the damaging rays of the sun, which can increase the chance of sunburn.

If a child becomes ill with heat exhaustion or heat stroke, it is important that you call 911 right away. Shade and water should be used to cool the child down. Please see tips that you can follow to prevent heat-related illnesses on the CDSS website at <http://www.cdss.ca.gov/cdssweb/entres/pdf/HeatTips.pdf>.

## **CHILDREN'S RESIDENTIAL CARE PROGRAM STAFF CHANGES**

We are pleased to announce the following managerial appointment in the Children's Residential Care Program Northern California Regional Office:

- Leon Geoff Wells, Licensing Program Manager (LPM) I

## **RESIDENTIAL CARE STATISTICS**

All of the statistics for the state and county licensed Children's Residential Care facilities are available online. When you visit the new CCLD home page at <http://www.cclld.ca.gov>, please click on the "Facility Facts" tab at the top of the page. Click on the "Licensing Statistics" link on the center of the page that appears. Then, click on the desired "State Licensed Facilities by Geographical Area" or "County Licensed Facilities" link on the center of the page. Directories can also be obtained from your local licensing office.

## **SUMMARY**

If you have questions about this *Update* or proposed regulations, or suggestions for future topics, please contact Gloria Merk, Acting Chief of the Technical Assistance and Policy Branch at (916) 651-3456. Please visit our website at [www.cclld.ca.gov](http://www.cclld.ca.gov) to obtain *Updates*, office locations, provider letters, regulations, or to learn more about licensing services. Information about all Children's Residential facilities and homes, including Out- of-State Group Homes and the Statewide County Foster Family Home Program, is available on the CCLD website at <http://cclld.ca.gov/PG499.htm>.

Sincerely,

***Original signed by Jeffrey Hiratsuka***

JEFFREY HIRATSUKA  
Deputy Director  
Community Care Licensing Division